



Rep. Patricia R. Bellock

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1 AMENDMENT TO HOUSE BILL 2787

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2787 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is  
5 amended by changing Sections 7.7, 7.14, 7.16, and 7.21 and by  
6 adding Section 7.22 as follows:

7 (325 ILCS 5/7.7) (from Ch. 23, par. 2057.7)

8 Sec. 7.7. There shall be a central register of all cases of  
9 suspected child abuse or neglect reported and maintained by the  
10 Department under this Act. Through the recording of initial,  
11 preliminary, and final reports, the central register shall be  
12 operated in such a manner as to enable the Department to: (1)  
13 immediately identify and locate prior reports of child abuse or  
14 neglect; (2) continuously monitor the current status of all  
15 reports of child abuse or neglect being provided services under  
16 this Act; and (3) regularly evaluate the effectiveness of

1 existing laws and programs through the development and analysis  
2 of statistical and other information.

3 The Department shall maintain in the central register a  
4 listing of unfounded reports where the subject of the unfounded  
5 report requests that the record not be expunged because the  
6 subject alleges an intentional false report was made. Such a  
7 request must be made by the subject in writing to the  
8 Department, within 10 days of the investigation. By January 1,  
9 2014, the Department shall promulgate rules establishing  
10 criteria and standards for labeling an unfounded report as an  
11 intentional false report in the central register. The rules  
12 shall permit the reporter to submit a statement regarding the  
13 report unless the reporter has been convicted of knowingly  
14 transmitting a false report to the Department under paragraph  
15 (7) of subsection (a) of Section 26-1 of the Criminal Code of  
16 2012.

17 The Department shall also maintain in the central register  
18 a listing of unfounded reports where the report was classified  
19 as a priority one or priority two report in accordance with the  
20 Department's rules or the report was made by a person mandated  
21 to report suspected abuse or neglect under this Act.

22 The Department shall maintain in the central register for 3  
23 years a listing of unfounded reports involving the death of a  
24 child, the sexual abuse of a child, or serious physical injury  
25 to a child as defined by the Department in rules.

26 If an individual is the subject of a subsequent

1 investigation that is pending, the Department shall maintain  
2 all prior unfounded reports pertaining to that individual until  
3 the pending investigation has been completed or for 12 months,  
4 whichever time period ends later.

5 The Department shall maintain all other unfounded reports  
6 for 12 months following the date of the final finding.

7 For purposes of this Section "child abuse or neglect"  
8 includes abuse or neglect of an adult resident as defined in  
9 this Act.

10 (Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;  
11 97-333, eff. 8-12-11; 97-1089, eff. 8-24-12.)

12 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

13 Sec. 7.14. All reports in the central register shall be  
14 classified in one of three categories: "indicated",  
15 "unfounded" or "undetermined", as the case may be. After the  
16 report is classified, the person making the classification  
17 shall determine whether the child named in the report is the  
18 subject of an action under Article II of the Juvenile Court Act  
19 of 1987. If the child is the subject of an action under Article  
20 II of the Juvenile Court Act, the Department shall, within 45  
21 days of classification of the report, transmit a copy of the  
22 report to the guardian ad litem appointed for the child under  
23 Section 2-17 of the Juvenile Court Act. All information  
24 identifying the subjects of an unfounded report shall be  
25 expunged from the register forthwith, except as provided in

1 Section 7.7. Unfounded reports may only be made available to  
2 the Child Protective Service Unit when investigating a  
3 subsequent report of suspected abuse or maltreatment involving  
4 a child named in the unfounded report; and to the subject of  
5 the report, provided the Department has not expunged the file  
6 in accordance with Section 7.7. The Child Protective Service  
7 Unit shall not indicate the subsequent report solely based upon  
8 the existence of the prior unfounded report or reports.  
9 Notwithstanding any other provision of law to the contrary, an  
10 unfounded report shall not be admissible in any judicial or  
11 administrative proceeding or action. Identifying information  
12 on all other records shall be removed from the register no  
13 later than 5 years after the report is indicated. However, if  
14 another report is received involving the same child, his  
15 sibling or offspring, or a child in the care of the persons  
16 responsible for the child's welfare, or involving the same  
17 alleged offender, the identifying information may be  
18 maintained in the register until 5 years after the subsequent  
19 case or report is closed.

20 Notwithstanding any other provision of this Section,  
21 identifying information in indicated reports involving serious  
22 physical injury to a child as defined by the Department in  
23 rules, may be retained longer than 5 years after the report is  
24 indicated or after the subsequent case or report is closed, and  
25 may not be removed from the register except as provided by the  
26 Department in rules. Identifying information in indicated

1 reports involving sexual penetration of a child, sexual  
2 molestation of a child, sexual exploitation of a child, torture  
3 of a child, or the death of a child, as defined by the  
4 Department in rules, shall be retained for a period of not less  
5 than 50 years after the report is indicated or after the  
6 subsequent case or report is closed.

7 For purposes of this Section "child" includes an adult  
8 resident as defined in this Act.

9 (Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;  
10 97-333, eff. 8-12-11.)

11 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

12 Sec. 7.16. For any investigation or appeal initiated on or  
13 after, or pending on July 1, 1998, the following time frames  
14 shall apply. Within 60 days after the notification of the  
15 completion of the Child Protective Service Unit investigation,  
16 determined by the date of the notification sent by the  
17 Department, a subject of a report may request the Department to  
18 amend the record or remove the record of the report from the  
19 register. Such request shall be in writing and directed to such  
20 person as the Department designates in the notification. If the  
21 Department disregards any request to do so or does not act  
22 within 10 days, the subject shall have the right to a hearing  
23 within the Department to determine whether the record of the  
24 report should be amended or removed on the grounds that it is  
25 inaccurate or it is being maintained in a manner inconsistent

1 with this Act, except that there shall be no such right to a  
2 hearing on the ground of the report's inaccuracy if there has  
3 been a court finding of child abuse or neglect, the report's  
4 accuracy being conclusively presumed on such finding. Such  
5 hearing shall be held within a reasonable time after the  
6 subject's request and at a reasonable place and hour. The  
7 appropriate Child Protective Service Unit shall be given notice  
8 of the hearing. If the minor, who is the subject of an action  
9 under Article II of the Juvenile Court Act of 1987, is also the  
10 victim named in the report sought to be amended or removed from  
11 the central register, the minor shall, through the minor's  
12 attorney or guardian ad litem appointed under Section 2-17 of  
13 the Juvenile Court Act of 1987, have the right to participate  
14 and be heard in such hearing as defined under Department rules.

15 In such hearings, the burden of proving the accuracy and  
16 consistency of the record shall be on the Department and the  
17 appropriate Child Protective Service Unit. The hearing shall be  
18 conducted by the Director or his designee, who is hereby  
19 authorized and empowered to order the amendment or removal of  
20 the record to make it accurate and consistent with this Act.  
21 The decision shall be made, in writing, at the close of the  
22 hearing, or within 45 days thereof, and shall state the reasons  
23 upon which it is based. Decisions of the Department under this  
24 Section are administrative decisions subject to judicial  
25 review under the Administrative Review Law.

26 Should the Department grant the request of the subject of

1 the report pursuant to this Section either on administrative  
2 review or after administrative hearing to amend an indicated  
3 report to an unfounded report, the report shall be released and  
4 expunged in accordance with the standards set forth in Section  
5 7.14 of this Act.

6 (Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

7 (325 ILCS 5/7.21)

8 Sec. 7.21. Multidisciplinary Review Committee.

9 (a) The Department may establish multidisciplinary review  
10 committees in each region of the State to assure that mandated  
11 reporters have the ability to have a review conducted on any  
12 situation where a child abuse or neglect report made by them  
13 was "unfounded", and they have concerns about the adequacy of  
14 the investigation. These committees shall draw upon the  
15 expertise of the Child Death Review Teams as necessary and  
16 practicable. Each committee will be composed of the following:  
17 a health care professional, a Department employee, a law  
18 enforcement official, a licensed social worker, and a  
19 representative of the State's attorney's office. In appointing  
20 members of a committee, primary consideration shall be given to  
21 a prospective member's prior experience in dealing with cases  
22 of suspected child abuse or neglect.

23 (b) Whenever the Department determines that a reported  
24 incident of child abuse or neglect from a mandated reporter is  
25 "unfounded", the mandated reporter may request a review of the

1 investigation within 10 days of the notification of the final  
2 finding. ~~Whenever the Department determines that a reported~~  
3 ~~incident of child abuse or neglect from a mandated reporter or~~  
4 ~~any other reporter is "unfounded", the minor's guardian ad~~  
5 ~~litem appointed under the Juvenile Court Act of 1987 may~~  
6 ~~request a review of the investigation within 10 days of the~~  
7 ~~notification of the final finding if the subject of the report~~  
8 ~~is also the minor for whom the guardian ad litem has been~~  
9 ~~appointed. The review of the investigation requested by the~~  
10 ~~guardian ad litem may be conducted by the Regional Child~~  
11 ~~Protection Manager.~~

12 A review under this subsection will be conducted by the  
13 committee, ~~except those requests for review that are made by~~  
14 ~~the guardian ad litem,~~ which shall be conducted by the Regional  
15 Child Protection Manager. The Department shall make available  
16 to the committee all information in the Department's possession  
17 concerning the case. The committee shall make recommendations  
18 to the Department as to the adequacy of the investigation and  
19 of the accuracy of the final finding determination. These  
20 findings shall be forwarded to the Regional Child Protection  
21 Manager.

22 (c) The Department shall provide complete records of these  
23 investigations to the committee. Records provided to the  
24 committee and recommendation reports generated by the  
25 committee shall not be public record.

26 (c-5) On or before October 1 of each year, the Department

1 shall prepare a report setting forth (i) the number of  
2 investigations reviewed by each committee during the previous  
3 fiscal year and (ii) the number of those investigations that  
4 the committee found to be inadequate. The report shall also  
5 include a summary of the committee's comments and a summary of  
6 the corrective action, if any, that was taken in response to  
7 the committee's recommendations. The report shall be a public  
8 record. The Department shall submit the report to the General  
9 Assembly and shall make the report available to the public upon  
10 request.

11 (d) The Department shall adopt rules to implement this  
12 Section.

13 (Source: P.A. 90-239, eff. 7-28-97; 91-812, eff. 6-13-00.)

14 (325 ILCS 5/7.22 new)

15 Sec. 7.22. Reviews of unfounded reports.

16 (a) Whenever the Department determines that a reported  
17 incident of child abuse or neglect is "unfounded", the minor's  
18 attorney or guardian ad litem appointed under the Juvenile  
19 Court Act of 1987 may request a review of the investigation  
20 within 10 days of the notification of the final finding and  
21 receipt of the report, as provided in Section 7.14 of this Act,  
22 if the subject of the report is also the minor for whom the  
23 attorney or guardian ad litem has been appointed.

24 (b) Reviews requested under subsection (a) may be requested  
25 by sending a request via U.S. Mail, postmarked within 10 days

1 after notice of the final finding, or by faxing a request  
2 within 10 days after notice of the final finding. The date of  
3 notification of the final finding is the date the attorney or  
4 guardian ad litem received a copy of the report from the  
5 Department.

6 (c) By January 1, 2014, the Department shall promulgate  
7 rules addressing reviews requested under subsection (a). The  
8 rules shall provide that a review requested under subsection  
9 (a) must occur before the report is classified and a final  
10 finding is entered in the central register and that the review  
11 must be conducted by a Department employee outside the  
12 supervisory chain of the assigned investigator.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.".